

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Lisa Goldman
Acting City Manager

Date: June 7, 2011

Re: Hold a Public Hearing to Consider Collection of Delinquent Administrative
Citation Fees Via the Property Tax Bills for Subject Properties

BACKGROUND

City of Alameda Municipal Code (AMC) Subsection 1-7.12, entitled "Recovery of Administrative Costs," allows for the collection of any past due administrative citation fines or late payment charges by means of a judgment lien against real property on which the violation(s) occurred.

City of Alameda Municipal Code (AMC) Subsection 13-11.13, entitled "Collection of the Administrative Penalty" and 13-12.5, entitled, "Failure to Pay Fee; Special Assessment or Lien," allows for the collection of any past due vacant building monitoring fees and administrative penalties by means of a special assessment and/or lien against the real property determined to be vacant and in violation.

DISCUSSION

The Code Enforcement section of the Community Development Department issues administrative citations for violations of the Alameda Municipal Code. When a property owner fails to respond to or to comply with repeated notices sent by Code Enforcement staff, an administrative citation may be issued. In cases where the property owner refuses to comply with the citation by obtaining required permits and abating the violations, additional citations may be issued. Property owners are sent notice of the citations, including the amount of any outstanding fees for the underlying violation(s), by both first class and certified U.S. mail to the property address where the violation(s) occurred, and, if different from the property owner's address, to the mailing address on file. Owners are given sufficient time to correct the violations before Code Enforcement sends a final notice. Staff recommends that those parcels for which administrative citation fees are due and unpaid as of June 30, 2011 have a judgment lien recorded against the property on July 1, 2011.

In addition to recommending the collection of past due administrative citation fines and late payment charges, this year staff is including past due Vacant Building Monitoring fees and Administrative Penalties as assessed by the Hearing Officer. These past due

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charges will be processed along with the past due administrative citations in order to improve efficiency in the collection of both types of billings. The following provides a discussion of each of the properties on which a lien will be recorded:

2527 San Jose Avenue

The owner of this residential property has been issued a total of 26 administrative citations for an illegal basement conversion to habitable space complete with utilities and sewage ejector, in violation of Alameda Municipal Code, subsection 13-1.2 (c) (Permits Required). The total amount due as of April 27, 2011 is \$4,000.00. Although the property owner has permitted voluntary inspection of his property and attended compliance meetings, he has failed to appeal administrative citations and remains in violation.

1710 Jay Street

The owner of this residential property has been issued a total of 16 administrative citations for an un-permitted addition with electrical connections and windows, installed within the side yard setback in violation of Alameda Municipal Code, subsections 13-1.2 (c) (Permits Required) and 30-37.3 (Design Review). The total amount due from these citations as of April 27, 2011 is \$4000.00. Although the property owner has permitted voluntary inspection of his property and attended early compliance meetings, he has not appealed the administrative citations or since responded to subsequent letters sent. The property remains in violation.

502 Central Avenue

The owners of this residential property have been issued a total of 23 administrative citations for interior remodeling without permits, including a kitchen, two bathrooms, laundry facility, basement excavation and a water heater installation, in violation of Alameda Municipal Code, subsection 13-1.2 (c) (Permits Required). The total amount due for these citations as of April 27, 2011, is \$20,750.00. Although the property owners have permitted voluntary inspection of their property and attended early compliance meetings, they have not appealed administrative citations or since responded to subsequent letters sent. The property remains in violation.

2418 Roosevelt Drive

The owner of this residential property has been issued a total of 17 administrative citations for maintaining his residence in a blighted and dilapidated condition for many years in violation of Alameda Municipal Code subsections 13-11, 13-12, 13-10.3 (Vacant Parcel/Boarded Building and Maintaining a Substandard Building). The total amount due as of April 27, 2011, including citations and vacant building penalties, is \$16,176.00. The property owner has undertaken hazardous work including electrical and structural alterations to the building in violation of Alameda Municipal Code, subsections 13-1.2 (c) (Permits Required) and 30-37.3 (Design Review). Debris has been dumped in the front yard and the vegetation is overgrown. Due to the hazardous nature of the violations, the property has been declared a public nuisance and secured. Abatement costs for the securing of the premises amounts to \$1,025.99. The total amount due for the above-mentioned costs is \$17,201.99. Although the property owner

has permitted voluntary inspection of his property and attended early compliance meetings, he has not appealed the administrative citations or since responded to subsequent letters sent. The property remains in violation.

2319 Santa Clara Avenue

The owner of this commercial property has been issued a total of eight administrative citations for illegal alterations to a storefront, illegal installation of a handrail, and exposed wiring, in violation of Alameda Municipal Code, subsection 13-1.2 (c) (Permits Required). The total amount due as of April 27, 2011 is \$5,750.00. Although the property owner has permitted voluntary inspection of his property and attended compliance meetings, he has failed to appeal administrative citations and the property remains in violation.

1726 Nason Street

The owners of this residential property have been issued a total of 17 administrative citations for interior remodeling without permits, including the kitchen, bathroom, laundry, back porch and windows installation, in violation of Alameda Municipal Code, subsection 13-1.2 (c) (Permits Required). The total amount due as of April 27, 2011 is \$14,750.00. Although the property owners have permitted voluntary inspection of their property and attended compliance meetings, they have failed to appeal administrative citations and the property remains in violation.

1321 Caroline Street

The owners of this residential property have been issued a total of 17 administrative citations for reconstruction of the front porch and hazardous stairs, in violation of Alameda Municipal Code, subsection 13-1.2 (c) (Permits Required). The total amount due as of April 27, 2011 is \$14,750.00. Although the property owners have permitted voluntary inspection of their property and attended compliance meetings, they have failed to appeal administrative citations and the property remains in violation.

46 Garden Way

The owners of this residential property have been issued a total of 11 administrative citations for maintaining a dangerous building; the rear-detached garage had burned and was maintained in a dangerous condition, in violation of Alameda Municipal Code, subsection 13-10.3 (Maintaining a Substandard Building). The total due as of April 27, 2011 is \$9,500.00. Although the property owners have permitted voluntary inspections of their property and attended compliance meetings, they have failed to appeal administrative citations and the property remains in violation.

545 Pacific Avenue

The owners of this residential property have been issued a total of 12 administrative citations for illegal conversion of a patio structure into habitable space containing a family room, bedroom, bathroom, laundry room and hallway in violation of Alameda Municipal Code, subsection 13-1.2 (c) (Permits Required). The total amount due as of April 27, 2011 is \$9,750.00. Code enforcement permits were applied for, but the work was never completed and the permits have since expired. Although the property

owners have permitted voluntary inspection of their property, they have failed to appeal administrative citations and the property remains in violation.

1027 Fair Oaks Avenue

The owners of this residential property have been issued a total of seven administrative citations for illegal conversion of an attic into habitable space containing a bedroom, bathroom, tankless water heater and furnace installations, in violation of Alameda Municipal Code, subsection 13-1.2 (c) (Permits Required). The total amount due as of April 27, 2011 is \$4,750.00. Code enforcement permits were applied for, but the work was never completed and the permits have since expired. Although the property owners have permitted voluntary inspection of their property and their contractor attended compliance meetings, they have failed to appeal administrative citations and the property remains in violation.

1521 Broadway

The house is in a blighted and dilapidated condition in violation of Alameda Municipal Code subsections 13-11, 13-12 and 13-10.3 (Vacant Parcel/Boarded Building and Maintaining a Substandard Building). It has become an attractive nuisance and has caught fire from trespassers. The property owner has undertaken hazardous work including electrical and structural alterations to the building in violation of Alameda Municipal Code, subsection 13-1.2 (c) (Permits Required). A total of two administrative citations have been issued. The amount due for the administrative citations is \$750.00. Debris has been dumped in the front yard and the vegetation is overgrown. Due to the hazardous nature of the violations, the property has been declared a public nuisance and was secured. Abatement costs to secure the building amount to \$125.00. In October 2010, a hearing was held for the assessment of an administrative penalty for the vacant building per AMC 13-11.4 and the hearing officer assessed \$7,176.00 in penalties. The total amount due through calendar year 2010 for the above-mentioned costs is \$8051.00. Although the property owner permitted voluntary inspection of her property and attended early compliance meetings, she has failed to appeal the administrative citations or the hearing officer's decision and the property remains in violation.

FINANCIAL IMPACT

Delinquent administrative citation fees will be determined at the close of business on June 30, 2011. This is the final day of the acceptance of late payments. Should the fees remain unpaid, a lien shall be recorded against each real property for the administrative penalties due. The total fees currently due to the Community Development Special Revenue Fund, should the lien be approved, amount to \$113,252.99.

MUNICIPAL CODE CROSS REFERENCE

This action is authorized pursuant to Alameda Municipal Code Subsections 1-7.12, 13-11.13 and 13-12.5.

RECOMMENDATION

Authorize collection of delinquent administrative citation fees via the property tax bills for the subject properties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Greg McFann', written over a horizontal line.

Greg McFann
Building Official

Approved as to funds and account,

A handwritten signature in black ink, appearing to read 'Fred Marsh', written over a horizontal line.

Fred Marsh
Controller